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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,426	01/23/2004	Shelly Lenna Baucly	Baucly 00100	6800
66842 7590 09/28/2007 LAW OFFICES OF RONALD SHEA 2450 COUNTRY HILLS RD , APT . 192 BREA, CA 92821			EXAMINER LE, TAN	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 09/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,426

Applicant(s)

BAUERLY, SHELLY LENNA

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-32 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) 5-9,19,20,29-32,35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10-18,22-25,27,28 and 37-41 is/are rejected.
- 7) ☒ Claim(s) 21 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/07 and 7/28/07 have been entered.

Claims 1-2, 4-32, 35-41 are currently pending. Claims 3 and 33-34 have been canceled. Claims 5-9, 19-20, 29-32 and 35-36 were withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 4, 10-11, 13-18 and 22-25 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB Patent No. 2,253,998 to Lurie et al. in view of JP 10-113275 to Omura.

As to claims 1, 22, 37 and 40, Lurie et al teaches hanger device for hanging handbags, purses or the like (Figs. 1-4) from a horizontal surface, comprising the limitations as follows: a rigid interface member defining a planar interface area (12); a rigid arm (14, Fig. 1) with a centrally extension disposed between proximal end and a

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distal end (the central extension which has at least one bend in a direction different from the proximal end and in a direction different from proximal end), wherein the proximal end is coupled with the rigid interface member in a orientation substantially parallel to the planar interface area, and wherein the distal end extends downward from the central extension when the distal end is positioned vertically beneath the planar interface area. Note that the distal end in this case, the examiner considers as a hook segment (V-shaped) 23, 15 upon which a handbag, purse or the like can be supported or secured.

The Lurie device differs from claim 1 of the present invention in that it is not provided with a flexible member with a first end coupled to the distal end of the rigid arm, and a second end coupled to a purse engagement member.

Omura teaches the concept of such, Omura teaches the hanger device with a flexible member (6) having a first end coupled to the distal end of the rigid arm (3) and a second end coupled to a purse engagement member (8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a flexible member with a first end coupled to the distal end of the rigid arm and a second end coupled to a purse engagement member as in Omura on the hook of Lurie in order to allow a user to hang the type of the purse where there is no full top closure of the interior of the purse and to provide a configuration which to be easily opened/closed and/or attached/detached (Omura, abstract).

As to claim 2, Lurie as modified also teaches the distal end of the rigid arm being oriented vertically beneath the geometric center of said planar interface area.

As to claim 4, Lurie et al. as modified also teaches the rigid arm being swivelably coupled (5) with the rigid interface member.

Continuing to claims 10-11 and 38, Lurie et al as modified also teaches the rigid arm comprising a horizontal extension (13) (Fig. 2), which is parallel with the planar interface area; and the rigid arm having a vertical extension (20) that is substantially perpendicular to said horizontal extension.

As to claim 13, Lurie et al as modified also teaches first end of the flexible member (6, Omura) being coupled to the distal end of the rigid arm by a swivel joint (7). Note that the examiner considers the ring 7 of Omura is a swivel joint since the ring 7 of Omura is capable of turning or pivoting allowing the flexible member and thus the handbag/purse to turn around in a horizontal plane.

As to claim 14, Lurie et al as modified also teaches the second end of the flexible member being coupled to the purse engagement member by a swivel joint (Omura, 9). The examiner also considers the ring 9 of Omura is a swivel joint since the ring 9 of Omura is capable of turning or pivoting allowing the flexible member and thus the handbag/purse to turn around in a horizontal plane.

As to claims 15-16, the purse engagement member (8) of Omura as modified is also a rigid loop, a single continuous loop (when the engagement member is closed).

As to claims 17-18, wherein the rigid loop is a formed from a movable loop member (8) movably engaged to a primary loop member (the remained loop) wherein, when the movable loop member is in a first position, the rigid loop is a closed loop, and when the movable loop member is in a second position, the rigid loop is an open loop;

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and wherein the movable loop member is movably engaged to the primary loop member through a pivot (hinge member, no numeral)

As to claim 23, which recites the flexible member as being at least one inch long, which also appears to read on Omura. Nevertheless, it would have been an obvious matter of design choice for one of ordinary skill in the art to dimension the flexible member to be at least one inch long producing no new and unexpected results.

As to claims 24-25, Claims 24-25 recited limitations similar to those recited in claims 15-17, which also read on Lurie as modified.

As to claim 39, Lurie et al as modified also teaches at least one bend (at 22 for example) within the rigid arm, which comprises a large progressive curve.

As to claim 41, Lurie et al as modified also teaches the horizontal extension of the rigid arm is swivelably coupled to the rigid interface member (12, 18) while rigidly fixed along a horizontal line relative to the rigid interface member.

Claims 12 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie et al. in view of Omura and further in view of US Pub. No.2004/0195484 to Sheeran.

Lurie et al. in view of Omura teaches substantially as claimed except that is not provided with a lengthening means for altering the length of the vertical extension wherein the lengthening means comprises a turnbuckle.

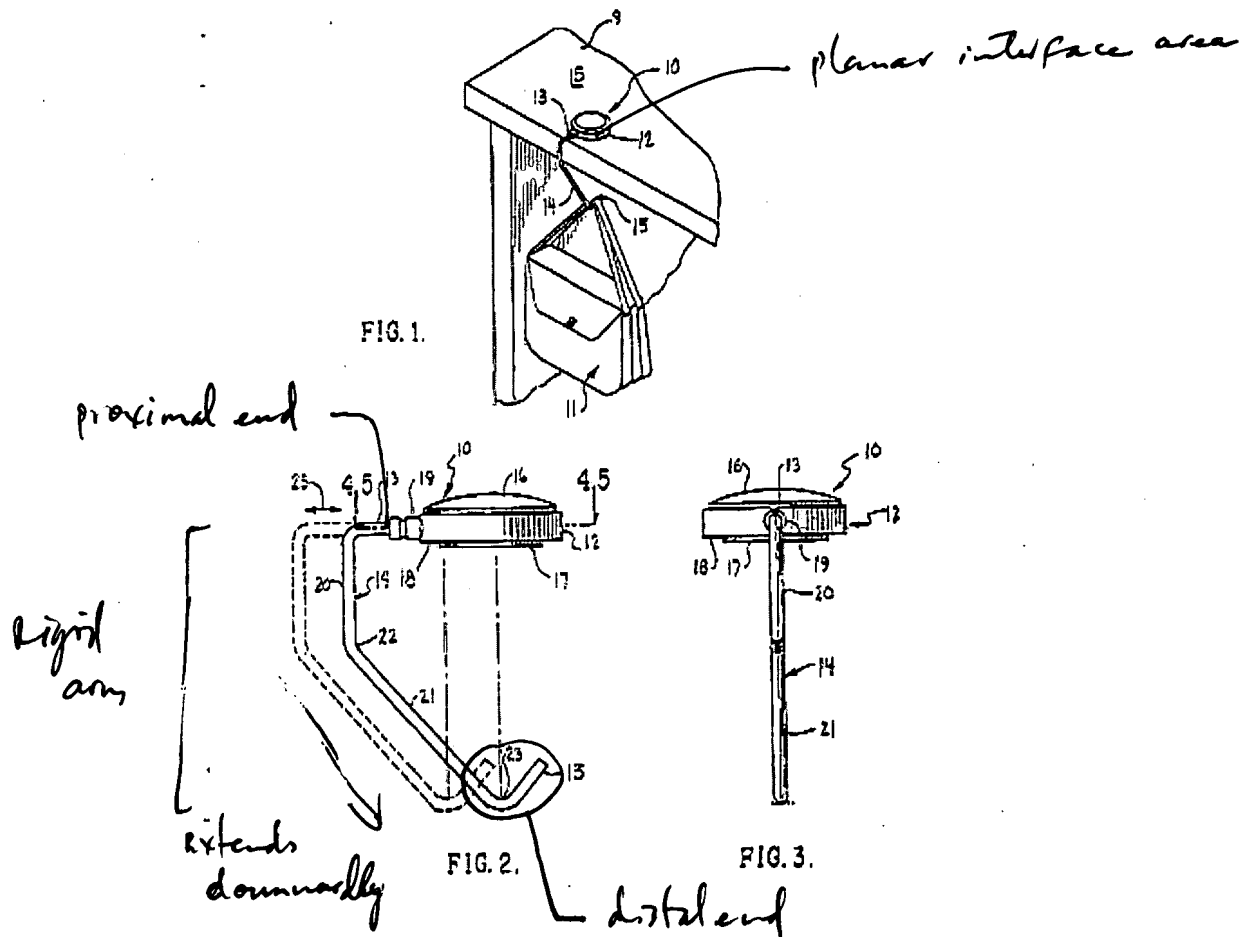
Sheeran teaches such concept. Sheeran teaches a vertical extension of the rigid arm having a lengthening means for altering or adjusting a length of the vertical

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extension (Fig. 6c, for example) wherein the lengthening means is in the alternative form of a turnbuckle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a lengthening means as in Sheeran on the vertical extension of Lurie et al as modified so as to provide the vertical arm, which can be rotated, adjusted or extended in length in order to allow the hanger to be positioned on a wider variety of surfaces having varying degrees of thickness. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vertical extension adjustable since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

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Allowable Subject Matter

Claims 21 and 26 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 7/28/07 have been fully considered but they are not persuasive.

Regarding Applicant's argument that neither Lurie nor Omura disclose or suggest "a rigid arm with a proximal end coupled with the rigid interface member in an orientation substantially parallel to the planar interface area, and wherein the distal end extends' downward from the central extension when the distal end is' positioned vertically beneath the planar interface area." "The rigid arm of Lurie bends at an upward angle, and Omura does not disclose or suggest an embodiment wherein the rigid arm locates beneath the planar interface area. Therefore, even if Omura and Lurie could somehow be combined in a manner suggested by the Examiner", this is not found persuasive. As stated in the rejection, Lurie alone clearly teaches substantially all the limitations with the distal end extends downward from the central extension. The examiner considers the "V-shaped portion" (see attached figure) at the end of the rigid arm is the distal end, which considers positioned vertically said planar interface area, whereas the V-shaped distal end portion function as a hook or securement member.

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Omura teaches a flexible member coupled to the securement member. The combination of Lurie and Omura would have suggested the subject matter of independent claims 1, 22 and 37. Nevertheless, assuming an argument that even if Lurie does not teach a securement member, but Omura teaches a securement member, the combined teachings of Lurie with Omura still render the claims obvious. Therefore, the rejection of these claims is still maintained.

Regarding Applicant's argument with respect to claims 12 and 27-28 which have been rejected under 103(a) as being unpatentable over Lurie in view of Omura and further in view of Sheeran, Applicant's argument as indicated on page 12 of the Remarks appears to be not directed to what the rejection has been set forth. Sheeran has applied for the teaching of providing a lengthening means to make the vertical extension adjustable. It should be noted that there is no requirement for a secondary reference to meet every limitation of the claim before it can be utilized. It should also be noted one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In the instant case, the combination of Lurie and Omura and Sheeran would have suggest the subject matter of independent claims 12, 27 and 28. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vertical extension adjustable since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. The rejection of these claims is therefore also maintained.

Conclusion

THIS ACTION IS made NON FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le
September 22, 2007.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600